



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 15 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7003 2260 0005 1961 1780

In Reply Refer to:

EPA File No. 08R-04-R5

[REDACTED]

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

[REDACTED]

This is in response to your June 4, 2004, administrative complaint filed with the U.S. Commission on Civil Rights (USCCR). The USCCR referred your complaint to the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) in June 2004. Your complaint alleges that EPA Region 5 and the Michigan Department of Environmental Quality (MDEQ) committed discriminatory acts based on income levels and education. Although the complaint does not claim a violation of any specific law, we construe it as alleging violations EPA's nondiscrimination regulations found at 40 C.F.R. Parts 5 and 7.

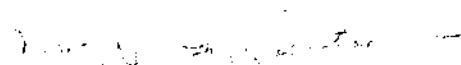
OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, because EPA nondiscrimination regulations apply to applicants for or recipients of EPA financial assistance, the complaint must be filed against an applicant or recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

After reviewing your complaint, OCR has concluded that it cannot accept your complaint for investigation since it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. Specifically, the regulations do not

prohibit discrimination based on income or education. Additionally, the regulations only apply to applicants for and recipients of EPA financial assistance, not EPA itself. Therefore, a Part 5 or 7 complaint cannot be filed against EPA's Region 5 Office. Since your allegations do not describe a discriminatory act based on race, color, national origin, sex, or disability in accordance with EPA's nondiscrimination regulations, OCR must reject your complaint.

If you have any questions, please contact Anthony Napoli of OCR's External Compliance Program via Federal Relay on 1-800-877-8339 and reach him on 202-233-0651 TTY, via electronic mail at Napoli.Anthony@EPA.gov, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Steven Chester, Director
Executive Division
Michigan Department of Environmental Quality
Lansing, Michigan 48909-7973

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Alan Walts, Title VI Coordinator
EPA Region 5

Terri A. Dickerson, Assistant Staff Director of Civil Rights Evaluation
United States Commission on Civil Rights
624 Ninth Street, NW
Washington, D.C. 20425